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J. Charles Headrick

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WOMBLE CARLYLE SANDRIDGE & RICE, PLLC

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OREILLY, PATRICK F

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/694,590	Applicant(s) HEADRICK, J. CHARLES	
	Examiner Patrick F. O'Reilly III	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-39 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 12-15 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6 and 16-39 is/are rejected.
- 7) ☒ Claim(s) 3,4 and 7-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment received on February 24, 2010.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 and 2** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 5,772,502) in view of Bergen (US 1,431,869). These two references, when considered together, teach all of the elements recited in **claims 1 and 2** of this application.

4. In particular, claim 1 of this application is obvious when Smith is viewed in light of Bergen. Smith discloses the invention substantially as claimed, including: a plurality of ridge vent sections (20) each having ends (e.g., with first and second endwall portions 110, 112) and longitudinal edges (e.g., top longitudinal edges of outwardly upturned lips 82, 84) and being configured to be arranged end-to-end covering an open ridge (40) of a roof (42); each of said ridge vent sections (20) having a laterally flexible central panel (e.g., top panel portion 22 with flexible midsection 36) flanked by ventilation grids (first and second ventilation means 58 and 60, which include a plurality of spaced ribs 66 defining louvered ventilation openings 68) that extend along and inboard of the longitudinal edges (top edges of lips 82, 84) of the ridge vent (20); and a plurality of fasteners (anchoring nails 140) for use in fastening said ridge vent

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sections (20) to a roof (42). Refer to Smith, Figures 1-6; column 2, lines 46-67; column 3, lines 1-67; column 4, lines 1-67; and column 5, lines 1-47.

However, claim 1 of this application further discloses that the plurality of fasteners are removably secured to each of said ridge vent sections between the longitudinal edges thereof, said fasteners being positioned to be removed by an installer of said ridge ventilation system. Smith does not disclose these additional limitations.

Bergen, although, teaches a combination roofing shingle and attaching means therefor having a plurality of fastening elements (nails 11) in holders (12) removably secured between the longitudinal peripheral edges of each roofing shingle section (10) via a small tack (16), said fastening elements (11) being positioned to be removed by an installer of the roofing shingle sections (10) for use in fastening the roofing shingle sections (10) to a roof (i.e., by driving the fastening elements 11 through holes 17) for the purpose of saving time and labor for an installer working at the jobsite by conveniently locating the fastening elements (11) on the device being installed. See Bergen, Figures 1-3 and page 1, lines 39-89. Therefore, when Smith is viewed in light of Bergen, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ridge ventilation system of Smith by providing each ridge vent section (20) with a plurality of fasteners (e.g., nails) in holders (12) removably secured between the longitudinal peripheral edges of each ridge vent section (20) via a small tack (16) for removal during installation, as taught by Bergen, in order to save time and labor for an installer working at the jobsite by conveniently locating the affixing fasteners on the device being installed. Refer to Bergen, page 1, lines 75-78 and 83-89.

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5. In regard to claim 2, the modified ridge ventilation system of Smith further teaches that each of said ridge vent sections (20) further comprises wind baffles (outer edge walls 78, 80 with outwardly upturned lips 82, 84) positioned outboard of said ventilation grids (58, 60) for creating a relatively low pressure region in the vicinity of said ventilation grids (58, 60) in response to a breeze blowing past said ridge vent section (20), said fasteners (e.g., nails) being removably secured to said ridge vent sections (20). See Smith, Figure 5 and column 3, lines 53-67; also see Bergen, Figures 1-3 and page 1, lines 39-89.

Smith, as modified by Bergen, does not expressly teach that the fasteners are removably secured to the ridge vent sections between at least one of said wind baffles and the corresponding ventilation grid. Although, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to position the removable fasteners between at least one of said wind baffles and the corresponding ventilation grid because the applicant has not disclosed that this selected position for the removable fasteners provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected the applicant's invention to perform equally well with the fasteners removably secured between the longitudinal peripheral edges of the ridge vent sections, as taught by Bergen, because this location would also enable the fasteners to be conveniently removed by a worker during the installation of the ridge vent sections on the roof.

6. **Claims 16-19 and 21-39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 5,772,502) in view of Parker (US 1,745,315). These two references, when considered together, teach all of the elements recited in **claims 16-19 and 21-39** of this application.

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7. In particular, claim 16 of this application is obvious when Smith is viewed in light of Parker. Smith discloses the invention substantially as claimed, including: a plurality of ridge vent sections (20) configured to be arranged end-to-end covering an open ridge (40) of a roof (42), each ridge vent section (20) having ends (e.g., with first and second endwall portions 110, 112) and opposed longitudinal edges (e.g., top longitudinal edges of outwardly upturned lips 82, 84); each of said ridge vent sections (20) having a laterally flexible central panel (e.g., top panel portion 22 with flexible midsection 36) flanked by ventilation grids (first and second ventilation means 58 and 60, which include a plurality of spaced ribs 66 defining louvered ventilation openings 68); and a plurality of fasteners (anchoring nails 140) to be used in fastening said ridge vent sections (20) to a roof (42). Refer to Smith, Figures 1-6; column 2, lines 46-67; column 3, lines 1-67; column 4, lines 1-67; and column 5, lines 1-47.

However, claim 16 of this application further discloses that the plurality of fasteners are stowed on at least one of said ridge vent sections between the opposed longitudinal edges thereof prior to arrangement of the ridge vent sections on a roof. Smith does not disclose this additional limitation.

Parker, although, teaches a combination roofing shingle and attaching means therefor having a plurality of fastening elements (nails 2) in holders (formed by paper plates 6 with braces 10) removably secured between the longitudinal peripheral edges of each roofing shingle section (1), said fastening elements (2) being stowed on the roofing shingle sections (1) between the opposed longitudinal edges thereof prior to arrangement of the roofing shingle sections (1) on a roof for the purpose of saving time and labor for an installer working at the jobsite by conveniently locating the fastening elements (2) on the device being installed, in a manner that

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obviates the need to manually hold the fastening elements (2) in place. See Parker, Figures 1-5; page 1, lines 13-23 and 55-100; and page 2, lines 1-15. Therefore, when Smith is viewed in light of Parker, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ridge ventilation system of Smith by providing each ridge vent section (20) with a plurality of fasteners (e.g., nails) removably stowed between the longitudinal peripheral edges of each ridge vent section (20) prior to the arrangement of the ridge vent sections (20) on the roof, as taught by Parker, in order to save time and labor for an installer working at the jobsite by conveniently locating the fastening elements on the device being installed, in a manner that obviates the need to manually hold the fastening elements in place. Refer to Parker, page 1, lines 13-23 and 64-68.

8. In regard to claims 17 and 28, Smith further discloses that each of said ridge vent sections (20) further comprises wind baffles (outer edge walls 78, 80 with outwardly upturned lips 82, 84) positioned outboard of said ventilation grids (58, 60). See Smith, Figure 5 and column 3, lines 53-67. Therefore, Smith in view of Parker also renders the limitations set forth in these claims obvious.

9. In regard to claims 18 and 29, Smith further discloses that each of said wind baffles (outer edge walls 78, 80 with outwardly upturned lips 82, 84) is supported by an array of buttresses (spaced baffles 105, 107) extending between said wind baffle (78, 80) and the corresponding ventilation grid (58, 60). Refer to Smith, Figure 5 and column 3, lines 53-67. Consequently, Smith in view of Parker also renders the limitations set forth in claims 18 and 29 obvious.

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10. In regard to claims 19 and 23, Smith further discloses that the plurality of fasteners comprises nails (anchoring nails 140). See Smith, Figure 2 and column 5, lines 37-41. Thus, Smith in view of Parker also renders the limitations set forth in claims 19 and 23 obvious.

11. In regard to claim 21, Smith further discloses that the fasteners (e.g., anchoring nails 140) are driven into holes (bores 142) formed along the lengths of said ridge vent sections (20). Refer to Smith, Figure 2 and column 5, lines 37-41. Therefore, Smith in view of Parker also renders the limitations set forth in this claim obvious.

12. In regard to claim 22, Smith further discloses that the holes (bores 142) are disposed in said laterally flexible panel (e.g., top panel portion 22 with flexible midsection 36). See Smith, Figures 2-4 and column 5, lines 37-41. Consequently, Smith in view of Parker also renders the limitations set forth in claim 22 obvious.

13. In regard to claims 24 and 30, Parker further teaches that a sufficient number of fastening elements (e.g., nails 2) can be removably secured to each roofing shingle section (1) for permanently fastening each roofing shingle section (1) to the roof (each shingle section 1 can be provided with a requisite quantity of nails, e.g., two or more) so that additional, external fastening elements are not required. Refer to Parker, page 1, lines 70-72. Therefore, when Smith is viewed in light of Parker, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the ridge ventilation system of Smith by providing a sufficient number of fasteners (e.g., nails) to fasten said ridge vent section (20) to a roof (42) and to fasten shingles over the ridge vent section (20), as additionally taught by Parker, in order to obviate the need for additional, external fasteners (e.g., nails).

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14. In regard to claims 25 and 31, the modified ridge ventilation system of Smith further teaches that the plurality of fasteners (e.g., nails) is removably stowed/carried on said ridge vent section (20). Refer to Parker, Figures 1-5 and page 1, lines 13-23 and 72-78. Thus, Smith in view of Parker also renders the limitations set forth in claims 25 and 31 obvious.

15. Moreover, claim 26 of this application is obvious when Smith is viewed in light of Parker. Smith discloses the invention substantially as claimed, including: a plurality of ridge vent sections (20) configured to be arranged end-to-end covering an open ridge (40) of a roof (42), each ridge vent section (20) having opposed ends (e.g., with first and second endwall portions 110, 112) and opposed longitudinal edges (e.g., top longitudinal edges of outwardly upturned lips 82, 84); each of said ridge vent sections (20) having a laterally flexible central panel (e.g., top panel portion 22 with flexible midsection 36) with holes (bores 142) therein and flanked by ventilation grids (first and second ventilation means 58 and 60, which include a plurality of spaced ribs 66 defining louvered ventilation openings 68) extending along and inboard of said opposed longitudinal edges (top edges of lips 82, 84); and, a plurality of fasteners (anchoring nails 140) to be used in fastening said ridge vent sections (20) to a roof (42). Refer to Smith, Figures 1-6; column 2, lines 46-67; column 3, lines 1-67; column 4, lines 1-67; and column 5, lines 1-47.

However, claim 26 of this application further discloses that the plurality of fasteners are carried by at least one of said ridge vent sections at locations between said longitudinal edges thereof before said ridge vent sections are arranged on a roof. Smith does not disclose this additional limitation.

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Parker, although, teaches a combination roofing shingle and attaching means therefor having a plurality of fastening elements (nails 2) in holders (formed by paper plates 6 with braces 10) removably secured between the longitudinal peripheral edges of each roofing shingle section (1), said fastening elements (2) being carried on the roofing shingle sections (1) between the opposed longitudinal edges thereof before the roofing shingle sections (1) are arranged on a roof for the purpose of saving time and labor for an installer working at the jobsite by conveniently locating the fastening elements (2) on the device being installed, in a manner that obviates the need to manually hold the fastening elements (2) in place. See Parker, Figures 1-5; page 1, lines 13-23 and 55-100; and page 2, lines 1-15. Therefore, when Smith is viewed in light of Parker, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ridge ventilation system of Smith by providing each ridge vent section (20) with a plurality of fasteners (e.g., nails) removably carried between the longitudinal peripheral edges of each ridge vent section (20) before the ridge vent sections (20) are arranged on the roof, as taught by Parker, in order to save time and labor for an installer working at the jobsite by conveniently locating the fastening elements on the device being installed, in a manner that obviates the need to manually hold the fastening elements in place. Refer to Parker, page 1, lines 13-23 and 64-68.

16. In regard to claim 27, Smith further discloses that the holes (bores 142) are configured to receive said fasteners (e.g., anchoring nails 140) for fastening said ridge vent sections (20) to a roof (42). Refer to Smith, Figure 2 and column 5, lines 37-41. Therefore, Smith in view of Parker also renders the limitations set forth in this claim obvious.

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17. Furthermore, claim 32 of this application is obvious when Smith is viewed in light of Parker. Smith discloses the invention substantially as claimed, including: an elongated central panel (e.g., top panel portion 22 with flexible midsection 36) having opposed ends (e.g., with first and second endwall portions 110, 112) joined by opposed longitudinal edges (e.g., top longitudinal edges of outwardly upturned lips 82, 84); a ventilation grid (first and second ventilation means 58 and 60, which include a plurality of spaced ribs 66 defining louvered ventilation openings 68) formed along an edge of said central panel (22, 36); and a fastener (e.g., anchoring nail 140) for fastening said ridge vent section (20) to a roof (42). Refer to Smith, Figures 1-6; column 2, lines 46-67; column 3, lines 1-67; column 4, lines 1-67; and column 5, lines 1-47.

However, claim 32 of this application further discloses that the fastener is stowed on said ridge vent section between said longitudinal edges before said ridge vent section is installed on a roof. Smith does not disclose this additional limitation.

Parker, although, teaches a combination roofing shingle and attaching means therefor having a plurality of fastening elements (nails 2) in holders (formed by paper plates 6 with braces 10) removably secured between the longitudinal peripheral edges of each roofing shingle section (1), said fastening elements (2) being carried on the roofing shingle sections (1) between the opposed longitudinal edges thereof before the roofing shingle sections (1) are installed on a roof for the purpose of saving time and labor for an installer working at the jobsite by conveniently locating the fastening elements (2) on the device being installed, in a manner that obviates the need to manually hold the fastening elements (2) in place. See Parker, Figures 1-5; page 1, lines 13-23 and 55-100; and page 2, lines 1-15. Therefore, when Smith is viewed in light of Parker, it

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would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ridge vent section of Smith by providing the ridge vent section (20) with at least one fastener (e.g., nail) removably stowed between the longitudinal peripheral edges of the ridge vent section (20) before the ridge vent section (20) is installed on the roof, as taught by Parker, in order to save time and labor for an installer working at the jobsite by conveniently locating the fastening element on the device being installed, in a manner that obviates the need to manually hold the fastening elements in place. Refer to Parker, page 1, lines 13-23 and 64-68.

18. In regard to claim 33, Smith further discloses a hole (e.g., bore 142) in said panel (e.g., top panel portion 22 with flexible midsection 36). See Smith, Figures 2-4 and column 5, lines 37-41. Therefore, Smith in view of Parker also renders the limitations set forth in this claim obvious.

19. In regard to claim 34, Smith further discloses that the fastener (e.g., anchoring nail 140) is driven into said hole (e.g., bore 142) when fastening said ridge vent section (20) to a roof (42). Refer to Smith, Figures 2-4 and column 5, lines 37-41. Consequently, Smith in view of Parker also renders the limitations set forth in claim 34 obvious.

20. In regard to claim 35, Smith further discloses that the fastener is a nail (anchoring nail 140). See Smith, Figures 2-4 and column 5, lines 37-41. Thus, Smith in view of Parker also renders the limitations set forth in claim 35 obvious.

21. In regard to claim 36, Smith further discloses that the central panel (e.g., top panel portion 22 with midsection 36) is laterally flexible (the midsection 36 is laterally flexible). Refer to Smith, Figures 2, 3, and 5; column 2, lines 46-62. Therefore, Smith in view of Parker also renders the limitations set forth in this claim obvious.

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22. In regard to claim 37, Smith further discloses a wind baffle (outer edge walls 78, 80 with outwardly upturned lips 82, 84) positioned outboard of said ventilation grid (58, 60). See Smith, Figure 5 and column 3, lines 53-67. Consequently, Smith in view of Parker also renders the limitations set forth in claim 37 obvious.

23. In regard to claim 38, Smith further discloses a drain trough (gutters 70, 72) formed between said ventilation grid (58, 60) and said wind baffle (outer edge walls 78, 80 with outwardly upturned lips 82, 84). Refer to Smith, Figures 2 and 5 and column 3, lines 44-52. Thus, Smith in view of Parker also renders the limitations set forth in claim 38 obvious.

24. In regard to claim 39, Smith further discloses a weep hole (outer drain wall openings 106) formed along said drain trough (gutters 70, 72). Refer to Smith, Figures 3, 4, and 6; column 3, lines 44-52. Therefore, Smith in view of Parker also renders the limitations set forth in this claim obvious.

25. **Claims 5 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 5,772,502) in view of Bergen (US 1,431,869) as applied to claim 2 above, and further in view of Gates (US 5,149,301). These three references, when considered together, teach all of the elements recited in **claims 5 and 6** of this application.

26. In particular, claim 5 of this application is obvious when Smith is viewed in light of Bergen, and further viewed in light of Gates. As described above, Smith, as modified by Bergen, teaches all the elements of base claim 2, the claim upon which this claim depends. Moreover, with respect to claim 5, Smith further discloses a drain trough (gutters 70, 72) formed between each of said ventilation grids (58, 60) and its corresponding wind baffle (outer edge walls 78, 80 with outwardly upturned lips 82, 84), weep holes (outer drain wall openings 106) formed along

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each of said drain troughs (70, 72) for promoting the escape of water from said drain troughs (70, 72). Refer to Smith, Figures 2-6 and column 3, lines 44-52. However, claim 5 of this application further discloses upstanding barriers positioned along said drain troughs and aligned with said weep holes for preventing rain from being blown through said weep holes and into said ventilation grids. Smith, as modified by Bergen, does not contain these additional limitations. Gates, although, teaches a roof ridge ventilator (10) having drain troughs (e.g., spaces 28) disposed on laterally opposed sides thereof, weep holes (drain openings 30) formed along each of the drain troughs (28) for promoting the escape of water from the drain troughs (28), and upstanding barriers (inner, wind deflecting baffles 32) positioned along the drain troughs (28) and aligned with the weep holes (30) for the purpose of preventing wind driven rain and/or snow from being blown through the weep holes (30) and into the ventilator (10). Refer to Gates, Figures 1-2; column 2, lines 28-43; column 3, lines 43-68; and column 4, lines 1-3. Therefore, when Smith is viewed in light of Bergen, and further viewed in light of Gates, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ridge ventilation system of Smith in view of Bergen by adding upstanding barriers (32) in the drain troughs (70, 72) behind each of the weep holes (106), as taught by Gates, in order to prevent wind driven rain and/or snow from being blown through the weep holes (106) and into the ridge vent sections (20). Refer to Gates, column 3, lines 52-66.

27. In regard to claim 6, the modified ridge ventilation system of Smith further teaches that the fasteners (e.g., nails) are removably secured to the ridge vent sections (20). See Bergen, Figures 1-3 and page 1, lines 39-89.

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Smith, as modified by Bergen and Gates, does not expressly teach that the fasteners are removably secured to the ridge vent sections between at least one of said wind baffles and the corresponding ventilation grid. Although, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to position the removable fasteners between at least one of said wind baffles and the corresponding ventilation grid because the applicant has not disclosed that this selected position for the removable fasteners provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected the applicant's invention to perform equally well with the fasteners removably secured between the longitudinal peripheral edges of the ridge vent sections, as taught by Bergen, because this location would also enable the fasteners to be conveniently removed by a worker during the installation of the ridge vent sections on the roof.

28. **Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 5,772,502) in view of Parker (US 1,745,315) as applied to claim 17 above, and further in view of Gates (US 5,149,301). These three references, when considered together, teach all of the elements recited in **claim 20** of this application.

29. In particular, claim 20 of this application is obvious when Smith is viewed in light of Parker, and further viewed in light of Gates. As described above, Smith, as modified by Parker, discloses all the elements of base claim 17, the claim upon which this claim depends. Moreover, with respect to claim 20, Smith further discloses a drain trough (gutters 70, 72) formed between each of said ventilation grids (58, 60) and its corresponding wind baffle (outer edge walls 78, 80 with outwardly upturned lips 82, 84), weep holes (outer drain wall openings 106) formed along

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each of said drain troughs (70, 72) for promoting the escape of water from said drain troughs (70, 72). Refer to Smith, Figures 2-6 and column 3, lines 44-52. However, claim 20 of this application further discloses upstanding barriers positioned along said drain troughs and aligned with said weep holes for preventing rain from being blown through said weep holes and into said ventilation grids. Smith, as modified by Parker, does not contain these additional limitations. Gates, although, teaches a roof ridge ventilator (10) having drain troughs (e.g., spaces 28) disposed on laterally opposed sides thereof, weep holes (drain openings 30) formed along each of the drain troughs (28) for promoting the escape of water from the drain troughs (28), and upstanding barriers (inner, wind deflecting baffles 32) positioned along the drain troughs (28) and aligned with the weep holes (30) for the purpose of preventing wind driven rain and/or snow from being blown through the weep holes (30) and into the ventilator (10). Refer to Gates, Figures 1-2; column 2, lines 28-43; column 3, lines 43-68; and column 4, lines 1-3. Therefore, when Smith is viewed in light of Parker, and further viewed in light of Gates, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ridge ventilation system of Smith in view of Parker by adding upstanding barriers (32) in the drain troughs (70, 72) behind each of the weep holes (106), as taught by Gates, in order to prevent wind driven rain and/or snow from being blown through the weep holes (106) and into the ridge vent sections (20). Refer to Gates, column 3, lines 52-66.

Allowable Subject Matter

30. **Claims 3-4 and 7-9** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

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31. **Claims 10 and 12-15** are allowable over the prior art.

Response to Arguments

32. Applicant's arguments with respect to pending claims 1-2 and 5-6 have been fully considered but they are not persuasive for the reasons set forth below.

Contrary to the Applicant's assertions, the combined teachings of Smith and Bergen clearly render the limitations set forth in independent claim 1 obvious. Amended claim 1 recites, in pertinent part, "a plurality of fasteners *removably secured* to each of said ridge vent sections between the longitudinal edges thereof (emphasis added)". The Applicant alleges that the teachings of Bergen would not lead one of ordinary skill in the art to modify the roof ridge vent sections of Smith by removably securing fasteners between the longitudinal edges thereof. The Examiner respectfully disagrees. As the Applicant is well aware, each limitation recited in a claim must be given its ordinary meaning and broadest reasonable interpretation during the course of prosecution on the merits. See MPEP § 2111.01(I) (citing *E-Pass Technologies, Inc. v. 3Com Corporation*, 343 F.3d 1364, 1368, 67 USPQ2d 1947, 1949 (Fed. Cir. 2003)). In this case, claim 1, as presently written, merely requires that the fasteners be removably secured to each ridge vent section at a point (or a location) that lies between the longitudinal edges thereof. The Applicant appears to be implying in his Comments, dated February 24, 2010, that the actual fasteners must be physically located between the longitudinal edges of each ridge vent section to satisfy the claimed limitations. Claim 1 contains no such requirement. Moreover, as described above, Bergen clearly teaches a combination roofing shingle and attaching means therefor, which includes a plurality of fastening elements (nails 11) in holders (12) removably secured between the longitudinal peripheral edges of each roofing shingle section (10) via a small tack (16).

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Refer to Bergen, Figures 1-2 and page 1, lines 65-70. Thus, the teachings of Bergen would clearly lead one of one skill in the art to removably secure a plurality of fasteners to each ridge vent section at a point (or location) that lies within the longitudinal edges thereof (e.g., by using a device, such as a tack). Therefore, a prima facie case of obviousness has been established with respect to independent claim 1, and associated dependent claims 2, 5, and 6.

33. Applicant's arguments with respect to pending claims 10 and 12-14 have been considered but are moot in view of the allowable subject matter listed above.

34. Applicant's arguments with respect to pending claims 16-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

35. See attached form PTO-892 for additional pertinent prior art, which was not directly relied upon in this action.

36. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick F. O'Reilly III whose telephone number is (571) 272-3424. The examiner can normally be reached on Monday through Friday, 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven B. McAllister can be reached on (571) 272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick F. O'Reilly III/
Examiner, Art Unit 3749

/Steven B. McAllister/
Supervisory Patent Examiner, Art Unit 3749